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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,315	08/23/2006	Dyna Kellie Predebon	A-10172	8142
20741 7590 10/10/2008 HOFFMAN WASSON & GITLER, P.C. CRYSTAL CENTER 2, SUITE 522 2461 SOUTH CLARK STREET ARLINGTON, VA 22202-3843				
EXAMINER				
LUGO, CARLOS				
ART UNIT		PAPER NUMBER		
3673				
MAIL DATE		DELIVERY MODE		
10/10/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/590,315

Applicant(s)

PREDEBON, DYNA KELLIE

Examiner

CARLOS LUGO

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-9 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 26 June 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/CDC)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on June 26, 2008.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

- Elements 30 and 31 are not described in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-6 and 9 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,004,279 to Radcliff in view of US Pat No 4,811,454 to Crook et al (Crook).

Regarding claim 1, Radcliff discloses a door stay comprising a first part (17) adapted to be supported by a door handle (5), a second part (19) adapted to be supported by the door handle (3) on the other side of the door, and an intermediate part (23 inside 11) that is adapted to extend over an edge of the door to prevent the door from closing.

However, Radcliff fails to disclose that a toy comprises the first, second and intermediate parts. Radcliff discloses a device comprising the elements without the ornamental part (the toy).

Crook teaches that it is well known in the art to provide a door closing device that comprises a toy (60) having a first and a second part (67) adapted to be supported by a handle and an intermediate part (the body of the toy).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the device by Radcliff with a toy, as taught by Crook, because is considered as a design consideration since the toy is considered as a mere ornament.

With respect to the fact that the intermediate portion extends over the edge of the door to prevent the door from closing to a point at which the door is contained within

the door frame, Radcliff device is capable of preventing the door to be contained within the door frame.

Radcliff discloses that the door may be closed within the door frame; not that is required. Further, as shown in Col. 2 Lines 35-50, first, in order to put the door within the door frame is required a significant force because of the friction exerted between the intermediate portion 11 and the door frame. In other words, is not easy to move the door within the door frame. Also, Radcliff cites that the chamber 14 of the body 11 is filled with stuffing 23. One of ordinary skill in the art could place sufficient stuffing into the chamber of member 11; enough to don't allow the door within the door frame (see attachment #2). Therefore, Radcliff is capable of preventing the door to be contained within the door frame.

As to claim 2, Radcliff discloses that the door has a latch tongue (7) and the stay prevents the latch tongue from entering into a keeper on the door jamb.

As to claim 3, Radcliff, as modified by Crook, teaches that the toy is a plush toy having first and second arms. The arms comprise the first and second parts and the body of the toy the intermediate portion.

As to claim 4, Radcliff, as modified by Crook, teaches that the first arm member and the second arm member are provided with openings through which the door handle can pass to attach the respective arm member to the door handle.

As to claim 5, Radcliff, as modified by Crook, teaches that the openings are elasticized to enable the opening to be enlarged such that the handle can pass through the opening.

As to claim 6, Radcliff, as modified by Crook, teaches that the first part and/or the second part comprise an elastic band adapted to fit about the door handle.

As to claim 9, Radcliff, as modified by Crook, teaches that the first and second parts are joined by means of a band (11).

5. **Claim 7 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,004,279 to Radcliff in view of US Pat No 4,811,454 to Crook et al (Crook) and further in view of US Pat No 5,297,692 to Kronmiller.

Radcliff, as modified by Crook, fails to disclose the use of a hoop and loop connection (Velcro) on the first and second parts.

Kronmiller teaches that the use of hoop and loop (Velcro) to make a connection having a loop (22b) that grasp an object (15) in a door closing device.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the first and second parts of the device described by Radcliff, as modified by Crook, as a hoop and loop connection strap that when is connected together it would create a supported piece, as taught by Kronmiller, in order to provide an easier way to assemble the first and second parts to the handles.

6. **Claim 8 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,004,279 to Radcliff in view of US Pat No 4,811,454 to Crook et al (Crook) and further in view of US Pat No 848,644 to Flegel.

Radcliff, as modified by Crook, fails to disclose the use of a ribbon to make the connection between the arms and the handle.

Flegel teaches the use of a ribbon (C) to make a connection between a door closing device and a handle.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the first and second parts of the device described by Radcliff, as modified by Crook, with a ribbon to connect the device to a handle, as taught by Flegel, in order to provide an easier way to assemble the first and second parts to the handles.

Response to Arguments

7. Applicant's arguments filed on June 26, 2008 have been fully considered but they are not persuasive.

As to the drawings, new reference numbers 30 and 31 are not described in the specification. Therefore, a new objection to the drawings has been made on the record.

The current amendment overcomes the previous 112 2nd paragraph rejection to claim 7. Therefore, the rejection has been withdrawn.

As to the arguments with respect that Radcliff device is not capable of being used to prohibit the door of been placed within the door frame, the arguments are not persuasive. At the instant, Radcliff device is capable of preventing the door to be contained within the door frame.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

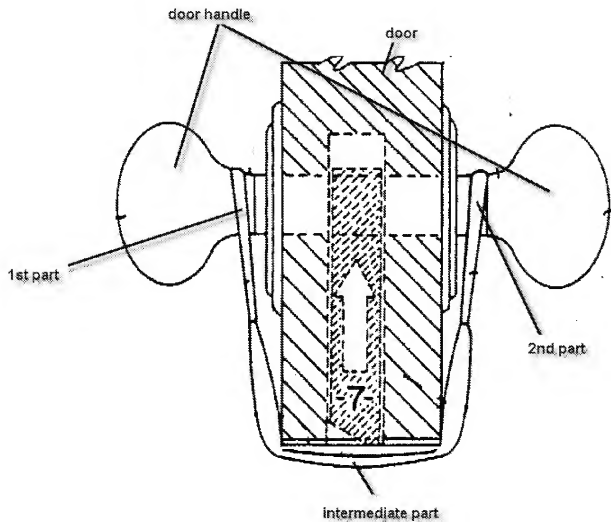
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

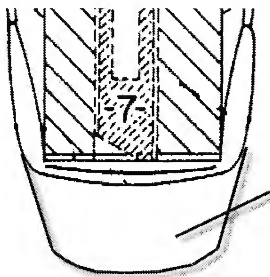
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CARLOS LUGO** whose telephone number is (571)272-7058. The examiner can normally be reached on 10-7pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carlos Lugo/
Primary Examiner
Art Unit 3673

October 2, 2008.





intermediate portion with
more stuffing

attachment #2